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ALPHA & OMEGA SEMICONDUCTOR, INC.  
ALPHA & OMEGA SEMICONDUCTOR, LTD.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ALPHA & OMEGA SEMICONDUCTOR,  
INC., a California corporation; and  
ALPHA & OMEGA SEMICONDUCTOR,  
LTD., a Bermuda corporation,

Plaintiffs,

v.

FAIRCHILD SEMICONDUCTOR  
CORP., a Delaware corporation,

Defendant.

AND RELATED COUNTERCLAIMS

Case No. 07-2638 JSW (EDL)  
(Consolidated with Case No. 07-2664 JSW)

**DECLARATION OF HARRY F. DOSCHER  
IN SUPPORT OF AOS'S MOTION TO  
COMPEL RESPONSES TO  
INTERROGATORIES AND  
PRODUCTION OF DOCUMENTS AND  
THINGS**

Date: December 18, 2007  
Time: 9:00 a.m.  
Ct rm: Courtroom E, 15th Floor  
Judge: Hon. Elizabeth D. Laporte

1 I, Harry F. Doscher, declare as follows:

2 1. I am an Associate at the law firm of Morgan, Lewis & Bockius LLP, 2 Palo Alto Square,  
3 3000 El Camino Real, Suite 700, Palo Alto, California 94306, and a member in good standing of  
4 the Bar of the State of California. I am admitted to practice in the United States District Court for  
5 the Northern District of California. Morgan, Lewis & Bockius LLP has been retained as trial  
6 counsel for Plaintiffs and Counterdefendants Alpha & Omega Semiconductor, Inc. and Alpha &  
7 Omega Semiconductor, Ltd. (together, "AOS") in the present action. I am making this  
8 declaration in support of AOS's Motion to Compel Responses to Interrogatories and Production  
9 of Documents and Things.

10 2. Attached hereto as Exhibit A is a true and correct copy of Alpha & Omega  
11 Semiconductor, Inc.'s First Set of Interrogatories to Fairchild Semiconductor Corp.

12 3. Attached hereto as Exhibit B is a true and correct copy of Alpha & Omega  
13 Semiconductor, Inc.'s First Set of Requests to Fairchild Semiconductor Corp. for Production of  
14 Documents and Things.

15 4. Attached hereto as Exhibit C is a true and correct copy of Plaintiffs' and  
16 Counterdefendants' Disclosure of Asserted Claims and Preliminary Infringement Contentions  
17 Pursuant to Patent L.R. 3-1.

18 5. Attached hereto as Exhibit D is a true and correct copy of Fairchild Semiconductor  
19 Corporation's Responses to Alpha & Omega Semiconductor, Inc.'s First Set of Interrogatories.

20 6. Attached hereto as Exhibit E is a true and correct copy of Fairchild Semiconductor  
21 Corporation's Responses to Alpha & Omega Semiconductor, Inc.'s First Set of Requests to  
22 Fairchild Semiconductor Corp. for Production of Documents and Things.

23 7. Attached hereto as Exhibit F is a true and correct copy of a letter dated October 5, 2007,  
24 from me to Eric P. Jacobs of Townsend and Townsend and Crew LLP ("Townsend"), counsel of  
25 record for Fairchild Semiconductor Corp. ("Fairchild"), regarding deficiencies in Fairchild's  
26 Responses to AOS's First Set of Interrogatories and First Set of Requests for Production of  
27 Documents and Things. Among numerous other deficiencies, I noted that Fairchild had generally  
28 objected to all of AOS's discovery requests based on AOS's definition of the term "Accused

1 Fairchild Device” and had improperly limited its responses to the eight specific Fairchild devices  
2 which were identified in AOS’s Preliminary Infringement Contentions (“PICs”).

3 8. Attached hereto as Exhibit G is a true and correct copy of a letter dated October 10, 2007,  
4 from Leonard J. Augustine of Townsend to me, responding to my October 5 letter.

5 9. Attached hereto as Exhibit H is a true and correct copy of a letter dated October 24, 2007,  
6 from me to Mr. Augustine responding to Mr. Augustine’s October 10 letter and noting additional  
7 deficiencies in Fairchild’s responses to AOS’s discovery requests based on our ongoing review of  
8 the documents produced.

9 10. Attached hereto as Exhibit I is a true and correct copy of a letter dated November 2, 2007,  
10 from Priya Sreenivasan of Townsend to me, responding to my October 24 letter, in which Ms.  
11 Sreenivasan stated: “It appears that Fairchild and AOS have reached an impasse on each party’s  
12 definition of ‘accused devices.’”

13 11. Attached hereto as Exhibit J is a true and correct copy of a letter dated November 8, 2007,  
14 from me to Ms. Sreenivasan responding to her November 2 letter, in which AOS proposed an  
15 agreement to modify its definition of “accused devices.”

16 12. On November 12, 2007, I attended a teleconference with counsel for Fairchild. In that  
17 call we agreed to two of Fairchild’s suggestions to modify our proposed definition of “Accused  
18 Fairchild Device”: first, to add an “and/or” at the end of subpart (b); second, to clarify in subpart  
19 (c) that the two dopant implants are formed in the body region. Nonetheless, Fairchild rejected  
20 AOS’s proposed definition. We invited Fairchild’s counsel to propose a counter definition that  
21 was not overly restrictive and that avoided potentially disputed claim terms. We agreed to a  
22 teleconference the following day to discuss any Fairchild proposal and stated that if we could not  
23 reach agreement at that time we intended to file a motion to compel.

24 13. Attached hereto as Exhibit K is a true and correct copy of an email dated November 13,  
25 2007, from Leonard J. Augustine Jr. to counsel for AOS including Fairchild’s proposal for the  
26 term “Accused Fairchild Device.”

27 14. On November 13, 2007, I attended a teleconference with Fairchild’s counsel during which  
28 I explained that Fairchild’s proposed definition of “Accused Fairchild Device” was too narrow

1 and would exclude relevant discovery.

2 I declare under penalty of perjury under the laws of the United States that the foregoing is  
3 true and correct to my personal knowledge.

4 Executed this 13th day of November, 2007, at Palo Alto, California.

5  
6 /s/ Harry F. Doscher

7 Harry F. Doscher  
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